

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION**

Michael C. Threatt,

Plaintiff,

v.

**Sylacauga Housing Authority,
Commissioners James Adams, Alma
Jean Cook, Matt Hubbard, Patrick
Lozito, Phillip Morris, and Mayor of
Sylacauga Jim Heigl,**

Defendants.

**Civil Action No.
20-CV-00096-ACA**

**MOVANTS' REPLY TO WINSTON COOKS, LLC'S
RESPONSE (DOC. 62) TO MOTION TO DISQUALIFY RICHARD RICE
AS COUNSEL FOR PLAINTIFF AND FOR ADDITIONAL RELIEF**

As noted in Movants' initial brief (Doc. 57), Movants are not aware of any prior attorney-client relationship between SHA and Winston Cooks, LLC, or of any unethical conduct on Winston Cooks, LLC's part.

As described in Movants' initial brief (Doc. 57 at pp. 23-25), however, the controlling precedent from the former Fifth Circuit in *Brennan's Inc. v. Brennan's Restaurants, Inc.*, 590 F.2d 168, 174 (5th Cir. 1979), requires, and Movants request, the Court inquire into whether Winston Cooks, LLC acquired information confidential to SHA from Rice in connection with their joint representation of

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Threatt, in light of Rice's prior attorney-client relationship with SHA. In this Circuit, there is an "irrebuttable presumption that relevant confidential information was disclosed" in connection with Rice's prior attorney-client relationship with SHA. *Freund v. Butterworth*, 165 F.3d 839, 859-60 (11th Cir. 1999).

Respectfully submitted this 20th day of November, 2020.

s/ *Brandi B. Frederick*

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CERTIFICATE OF SERVICE

I hereby certify that, on the 20th day of November, 2020, I served a copy of the above and foregoing on counsel for all parties by using the Court's ECF filing system that will send notification of such to all counsel of record, including:

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